

JUN 05 2006



Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

Complete If Known

Application Number	10/632,255
Filing Date	July 31, 2003
First Named Inventor	Michael J. heller
Examiner Name	B. Sisson
Art Unit	1634
Attorney Docket No.	612,404-424

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 50-2862 Deposit Account Name: O'Melveny & Myers LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$) Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
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<u>Multiple Dependent Claims</u>

- 20 or HP = _____ x _____ = _____

<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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HP = highest number of total claims paid for, if greater than 20

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
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<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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- 100 = _____ /50= _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer _____

65.00

SUBMITTED BY

Signature		Registration No. 40,980 (Attorney/Agent)	Telephone 949.760.9600
Name (Print/Type)	David P. Dalek		Date 05/31/06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent
Attorney Docket:612,404-424

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MICHAEL J. HELLER

Serial No.: 10/632,255

Filed: July 31, 2003

For: AFFINITY BASED SELF-
ASSEMBLY SYSTEMS AND DEVICES
FOR PHOTONIC AND ELECTRONIC
APPLICATIONS

Group Art Unit: 1634

Examiner: B. Sisson

06/06/2006 EAYALEW1 00000002 502862 10632255

01 FC:2814

65.00 DA

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, David P. Dalke, represent that I am an attorney of record for the above-identified application. NANOGEN, INC. (hereinafter referred to as "NANOGEN") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventor to NANOGEN in the parent application, U.S. Application Serial No. 08/760,933, filed December 20, 1996, now U.S. Patent No. 6,652,808. The assignment from the inventor to NANOGEN was recorded in the Patent and Trademark Office on July 28, 1997, on Reel

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 20231.

5-31-06

Date of Deposit
NB1:686033.1

Denise Doss
Name of Person Mailing Paper

Denise Doss
Signature of Person Mailing Paper

8643, Frame 0113.

NANOGEN hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration dates of the full statutory term of U.S. Patent No. 6,652,808, which patent is presently assigned to NANOGEN. Moreover, NANOGEN hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,652,808, this agreement to run with any patent granted on the above-identified application and to be binding upon NANOGEN, its successor, or assigns.

NANOGEN does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory terms of U.S. Patent No. 6,652,808 in the event that this patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Patent
Attorney Docket:612,404-424

The Commissioner is authorized to charge O'Melveny & Myers' Deposit Account No.
50-2862 in the amount of \$65.00 for the requisite fee.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 31, 2004

By: David P. Dalke
David P. Dalke
Reg. No. 40,980
Attorneys for Applicant

DPD/tmc

Customer No.
34263

PATENT TRADEMARK OFFICE

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